

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICARDO BARCENAS,	:	
<i>on behalf of himself, FLSA Collective Plaintiffs</i>	:	
<i>and the Class</i>	:	20 Civ. 1924 (LGS)
	:	
Plaintiff,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
ERMINIA RESTAURANT CORP., et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the initial pretrial conference in this matter is scheduled for September 10, 2020;

WHEREAS, no significant issues were raised in the parties' joint letter or proposed case management plan; it is hereby

ORDERED that, the September 10, 2020, initial pretrial conference is **CANCELLED**. If the parties believe that a conference would nevertheless be useful, they should inform the court immediately so the conference can be reinstated. The case management plan and scheduling order will issue in a separate order. If a collective is preliminarily certified, discovery may be extended only regarding any opt-in Plaintiffs, and otherwise only for extraordinary circumstances. The parties' attention is particularly directed to the provisions within the case management plan, for periodic status letters, and the need for a pre-motion letter to avoid cancellation of the final conference and setting of a trial date. It is further

ORDERED that, Plaintiff shall file, by **October 6, 2020**, a pre-motion letter seeking leave to file a motion for preliminary collective certification and including a proposed briefing schedule, or, in the alternative, a letter advising the Court either that Defendant will stipulate to preliminary certification in light of the lenient standard for preliminary collective certification


(without prejudice to opposing final certification), or that Plaintiff no longer seeks to act on behalf of a collective. It is further

ORDERED that, if Plaintiff files a pre-motion letter seeking leave to file a motion for preliminary collective certification, and Defendant intends to oppose the motion, Defendant shall file a responsive letter by **October 13, 2020**. It is further

ORDERED that, if the parties seek to file any dispositive motions, they shall file a pre-motion letter pursuant to Individual Rules III.A.1 and III.C.2. It is further

ORDERED that, regarding settlement discussions, if and when the parties are ready to proceed with a settlement conference with the assigned Magistrate Judge or mediation in the Court's mediation program, they shall file a joint letter on ECF requesting a referral.

Dated: September 9, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE